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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,197	11/09/2001	Matthew R. Williams	IPP0034.CON	8029

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EXAMINER	
NGUYEN, SON T	
ART UNIT	PAPER NUMBER
3643	

DATE MAILED: 06/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/037,197	WILLIAMS, MATTHEW R.	
	Examiner	Art Unit	
	Son T. Nguyen	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 March 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2 and 9-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2 and 9-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1,2,9-13,19,20,24,25** rejected under 35 U.S.C. 103(a) as being unpatentable over Curen et al. (US 5911198).

For claims 1,9,10,12, Curen et al. disclose a collar 14 for controlling the behavior of an animal comprising a pressure pulse generator 12 carried by the collar, the generator 12 including a probe (col. 3, line 3) adapted to provide a mechanical stimulus to the skin of the animal to be trained (col. 3, lines 1-6); and a controller 20 coupled with the generator (col. 3, lines 7-39). However, Curen et al. are silent about the generator generating a mechanical compression wave. It would have been an obvious substitution of functional equivalent to substitute the generator of Curen et al., which generates some kind of pressure pulse, with a generator that generates a mechanical compression wave, since it would perform the same function; i.e. to provide a mechanical stimulus against the skin of the animal.

For claim 2, Curen et al. teach a probe of some sort (col. 3, line 3) but not the kind which the tip selectively and intermittently extends from the probe. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a probe which is selectively and intermittently provides pressure against the

skin of the animal in the device of Curen et al. in order to provide a probe that does not produce continuous pressure against the animal, especially when the animal is behaving after several probing.

For claim 11, it would have been obvious to one having ordinary skill in the art at the time the invention was made to vary the intensity of the pressure pulse in the device of Curen et al., depending on how obedience the animal being trained is.

For claim 13, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the controller of Curen et al. controls amplitude of the pulse so that the intensity of the pressure pulse can varied so as to accommodate different level of obedience animal.

For claim 19, Curen et al. disclose a method of animal control comprising the steps of applying a pressure pulse generating collar 14 to an animal; monitoring the animal (inherent in the method so as to see the reaction of the animal); identifying undesirable behavior from monitoring the animal (inherent so as to see if the animal needs more pressure pulse applied to control it); directing a probe that provides a mechanical stimulus against the skin of the animal (col. 3, lines 1-6). However, Curen et al. are silent about a mechanical compression wave. It would have been an obvious substitution of functional equivalent to substitute the mechanical stimulus of the probe used in the device of Curen et al. with a mechanical compression wave, since it would perform the same function; i.e. to provide a mechanical stimulus against the skin of the animal.

For claim 20, although not specifically mentioned in the method of Curen et al., it is well known in the art of animal control that one observes the behavior of the animal to see how the animal reacts to the mechanical stimulus. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the step of visually observing the animal in the method of Curen et al., since it is notoriously well known in the art that one observes the behavior of the animal to see how the animal reacts to the mechanical stimulus.

For claim 24, Curen et al. teach the step of transmitting a pressure pulse signal from a remote source to the collar (col. 3, lines 36-37).

For claim 25, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the step of selecting an intensity of pressure pulse wave in the method of Curen et al., depending on how obedience the animal being trained is.

3. **Claims 14-17,21-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Curen et al. (as above) in view of Christiansen (US 5815077).

For claim 14, Christiansen discloses a collar 16 for controlling the behavior of an animal comprising a pressure pulse generator/means 28 carried by the collar, the generator including a probe 34 adapted to mechanically contact and generate a pressure pulse against the skin of the animal (see col. 2, lines 39-42 and col. 3, lines 40-48); a controller 24 coupled with the pressure generator for controlling selective application of the pressure pulse. Christiansen further teaches a receiver 36 operatively associated with the controller. It would have been obvious to one having ordinary skill in

the art at the time the invention was made to employ a receiver as taught by Christiansen in the device of Curen et al. so that the receiver can receives incoming signal from the controller and converts the signal to perceptible forms such as to produce a mechanical stimulus.

For claim 15, Christiansen further teaches the receiver is a radio frequency receiver (col. 2, line 52). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a radio frequency receiver as taught by Christiansen in the device of Curen et al. because the radio frequency receiver is a well known receiver used in many devices such as a radio to pick up signal and the receive is readily available.

For claim 16, both Curen et al. and Christiansen teach a transmitter (see col. 3, line 37 of Curen et al. and reference 14 of Christiansen).

For claim 17, Christiansen further teaches the transmitter is a handheld remote (col. 2, lines 54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a handheld remote as taught by Christiansen in the device of Curen et al. in order to allow a user to use the device at various locations without being interfered by the use of electrical cords or the like.

For claims 21-23 Christiansen further discloses in the monitoring step, the step of utilizing a sensor 30. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the step of utilizing a sensor as taught by Christiansen in the method of Curen et al. in order to monitor the animal behavior such as barking and/or where the animal has roamed to.

4. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Curen et al. as modified by Christiansen as applied to claims 9,14,16 above, and further in view of Westrick et al. (US 5,559,498). Curen et al. as modified by Christiansen is silent about the transmitter comprises a buried wire. Westrick et al. disclose a collar 26 for controlling the behavior of an animal comprising a pressure pulse means 38 carried by the collar; a controller 28 operatively associated with the pulse means; a receiver (col. 4, line 46) operatively operatively associated with the controller; a transmitter 24 operatively associated with the controller, wherein the transmitter comprises a buried wire 18. It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a transmitter that is a buried wire as taught by Westrick et al. in the device of Curen et al. as modified by Christiansen in order to prevent the animal from damaging the wire by burying the wire beneath the ground.

Response to Arguments

5. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is (703) 305-0765. The examiner can normally be reached on Monday - Friday from 9:00 a.m. to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon, can be reached at (703) 308-2574. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Son T. Nguyen
Patent Examiner, GAU 3643
May 29, 2003

PETER M. POON
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